

REMARKS

In the Office Action¹, the Examiner rejected claims 1-18 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,324,269 to *Malik*.

Applicants respectfully traverse the rejection of claims 1-18 under 35 U.S.C. § 102(e) as anticipated by *Malik*. In order to properly establish that *Malik* anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites a method including, for example, "receiving from the first device information useful for associating the user with a third device" (emphasis added). *Malik* does not disclose at least this element of Applicants' claimed invention.

Malik discloses "the method and the system...make[] long distance telephone calls appear as if they originated in the caller's home. A caller who makes a long distance telephone call from his office, for example, may simply call his home number and then dial the party's third number. The call is routed through his home telephone line and connected directly to the calling party" (col. 1 lines 57-66). In *Malik*, the system is described where "the subscriber has previously activated the ALDB service from his home by dialing the feature access code, such that all ALDB calls will be billed to the

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

subscriber's home. In this example, a calling party/subscriber uses his office telephone 204a, which is connected by calling line 205a from his office..." (emphasis added) (col. 6 lines 37-66). In *Malik*, a system is constructed where only a subscriber "who has previously activated the ALDB service from his home by dialing the feature access code" can have ALDB calls from his office phone be billed to a calling line associated with his home (emphasis added).

In contrast, claim 1 recites "receiving from the first device information useful for associating the user with a third device" (emphasis added). This provides information about the third device from the first device. The Examiner refers to Fig. 2 of *Malik* and suggests that office telephone 204a corresponds to the claimed "first device" and home telephone 264c corresponds to the claimed "third device" (Office action, page 2). The description of Fig. 2 in *Malik* discloses that "the subscriber desires that the call be billed to calling line 205c from the subscribers home 260" (col. 6 lines 51-53). However, nothing in *Malik* discloses any information "useful for associating the user with" home telephone 264c being received from the office telephone 204a. Thus, *Malik* cannot teach or suggest the above-quoted claim element.

Accordingly, *Malik* cannot anticipate claim 1. Independent claims 7 and 13, while of different scope, recite elements similar to those of claim 1 and are thus allowable over *Malik* for at least the same reasons discussed above with respect to claim 1. Claims 2-6, 8-12, and 14-18 respectively depend from claims 1, 7, and 13, and are thus allowable over *Malik* for at for at least the same reasons as claim 1.


In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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